

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND**

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KENNETH FITCH and  
ESTATE OF DIANNE L. FITCH

Plaintiffs,

v.

FEDERAL HOUSING FINANCE  
AGENCY, FEDERAL NATIONAL  
MORTGAGE ASSOCIATION,  
WELLS FARGO BANK, N.A.,  
HARMON LAW OFFICES, P.C., and  
266 PUTNAM AVENUE, LLC

Defendants.

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Civil Action No. 1:18-cv-00214

**DECLARATION OF ZACHARY W. BERK, ESQ. IN SUPPORT OF DEFENDANT 266  
PUTNAM AVENUE, LLC'S MOTION FOR PARTIAL SUMMARY JUDGMENT**

I, Zachary W. Berk, hereby declare and state as follows:

1. I am a partner at the law firm Saul Ewing Arnstein & Lehr LLP. I represent defendant 266 Putnam Avenue, LLC ("Putnam") in this case. I submit this Declaration in connection with Defendant 266 Putnam Avenue, LLC's Motion for Partial Summary Judgment.

2. Attached hereto as Exhibit A is a copy of a Note in the principal amount of \$96,648.00, dated December 31, 2009, concerning the property located at 73 Kay Street, Cumberland, RI 02864 and bearing a signature of Dianne L. Fitch.

3. Attached hereto as Exhibit B is copy of a Mortgage concerning the property located at 73 Kay Street, Cumberland, RI 02864, which is dated December 31, 2009 and identifies Dianne L. Fitch as the "Borrower" and Wells Fargo Bank, N.A. at the "Lender."

4. The above-referenced documents were previously filed in this case as attachments to Defendant Harmon Law Offices, P.C.'s Memorandum in Support of Motion to Dismiss filed on June 25, 2018.

Signed under the penalties of perjury this 7th day of December, 2020.

/s/ Zachary W. Berk  
Zachary W. Berk